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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 March 1992]

1. In its resolution 1991/16, the Commission on Human Rights at its forty-seventh session strongly appealed to States that had not yet become parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to do so. Although those Covenants represent landmark agreements among States to ensure respect for basic human rights, many countries of the world have yet to ratify such agreements. Ratification by countries such as the United States of America, the People's Republic of China and Brazil would significantly advance respect for internationally recognized human rights and encourage other countries to become parties.

2. Ratification of the Covenants would benefit both new States parties and the international community in their common cause for respect and enforcement of human rights. In the case of the United States, ratification of the Covenants would strengthen the credibility of the United States as a proponent of international concern for human rights and promote the increased recognition of an international standard of human rights. Ratification of the International Covenant on Civil and Political Rights (ICCPR) is currently under consideration in the present session of the United States Senate.

3. States parties to the ICCPR to date have ratified the document within the spirit of the treaty by attaching as few reservations, declarations and understandings as possible. Such sparing usage demonstrates a recognition of the importance of agreements like the ICCPR in reforming domestic laws. For States not yet parties, ratification in that same spirit would enhance that recognition and lead to further global institutionalization of human rights enforcement in domestic law. The excessive use of reservations, declarations and understandings in consideration of the ICCPR could be incompatible with the object and purpose of the ICCPR and a breach of international standards involving treaty understandings.

4. In the case of the United States, a number of proposed reservations, declarations and understandings are under consideration by the Senate. In the spirit of international agreement, the United States should accept the obligation to reform certain areas of domestic law as a result of ratification of the ICCPR. In particular, the proposed United States reservation to article 6 of the ICCPR regarding capital punishment of minors should be eliminated as incompatible with the stated consensus of civilized nations involving the use of capital punishment against minors. Similarly, the proposed United States declaration to render all the substantive provisions of the ICCPR non-self-executing may be so inconsistent with the language of the Covenant as to violate the principle embodied by article 19 of the Vienna Convention on the Law of Treaties.

5. Accordingly, the Law Group requests the Commission to:

(a) Welcome States' ratification of the International Covenant on Civil and Political Rights, and especially the recent consideration by the United States of America;

(b) Urge States to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights with as few reservations, declarations and understandings as necessary and as soon as possible;

(c) Encourage States to ratify other human rights treaties for which they have already shown support by signature.